

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-022770

10/16/2012

HONORABLE EMMET RONAN

CLERK OF THE COURT
T. Soto
Deputy

ARACAJU INC, et al.

DAVID R SCHWARTZ

v.

TRUE NORTH INC, et al.

BRADLEY D WEECH

RYAN W ANDERSON
ROGER C DECKER

RULING

The Court has considered all of the pleadings filed by the parties relating to the following:

1. ARACAJU Et Al's Motion for Determination of Issues Upon True North's Election to Buy Out ARACAJU Et Al.
2. ARACAJU Et Al's Motion to Strike Counterclaim.
3. ARACAJU Et Al's Motion to Dismiss Counterclaim.
4. ARACAJU Et Al's Motion to Amend Their Reply to the Counterclaim.

The parties have requested Oral Argument on some, or all, of the above. However, the Court is of the opinion that the parties have fully and amply briefed the issue in their pleadings. Therefore, oral argument would not assist the Court. Consequently, pursuant to Rule 7.1(C), Arizona Rules of Civil Procedure, the Court will resolve the Motion without oral argument.

IT IS ORDERED granting ARACAJU Et Al's Motion to Amend Their Reply to Counterclaim.

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In the parties' Joint Pretrial Memorandum and Scheduling Order they agreed that amendments to the pleadings could be "freely made" up to July 31, 2012. True North's Amended Counterclaim was filed in a timely manner under the terms of the Scheduling Order.

IT IS ORDERED denying ARACAJU Et Al's Motion to Strike and Motion to Dismiss.

IT IS FURTHER ORDERED that ARACAJU Et Al shall file their Answer to True North Et Al's Amended Counterclaim by **November 13, 2012**.

The Court has never seen the December 28, 2011 Buy-Sell offers and, therefore, has no idea as to the terms of those offers. There is no factual or legal basis presented in the Motion for Determination of Issues that would allow the Court to make the rulings requested by ARACAJU Et Al. There are obviously issues related to the most recent Buy-Sell process, but those will need to be addressed through the normal pleading process.

IT IS ORDERED denying ARACAJU Et Al's Motion for Determination of Issues.

In light of True North's failure to tender the monies due to ARACAJU Et Al and to close escrow by September 24, 2012, the Court believes there is good cause to extend the time within which ARACAJU may amend their pleadings.

IT IS ORDERED that ARACAJU Et Al may have until **November 13, 2012** to amend their pleadings.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.